

**Statements in the Rejection of Claim 1 Demonstrate that the
Combination of Kessler, Ikeguchi and Eyer Does not Disclose or Suggest
All of the Elements of Claims 6-8**

The combination of Kessler, Ikeguchi and Eyer does not render claims 6-8 obvious because the combination does not disclose or suggest all of the elements of these claims. For example, the combination does not disclose or suggest the third procedure “in which the main channel data is referenced to change the main channel and then refers to the VCT detected in the corresponding physical channel, thus selecting a sub-channel having the largest/smallest sub-channel number.”

Based on the rejection of claim 1, it appears that the Patent Office acknowledges that this claim element is not disclosed or suggested by the combination of Kessler, Ikeguchi and Eyer. In particular, the rejection of claim 1 states that “Kessler and Ikeguchi do not disclose...a VCT in the current physical channel is referenced to select a sub-channel in the physical channel.”² To remedy this deficiency of Kessler and Ikeguchi with respect to claim 1 the Office Action cites Lownes. Lownes, however, is not being relied upon to reject claims 6-8. Thus, because the Office Action acknowledges that Kessler and Ikeguchi do not disclose “Kessler and Ikeguchi do not disclose...a VCT in the current physical channel is referenced to select a sub-channel in the physical channel”³ as recited in claim 1, Kessler and Ikeguchi cannot disclose referring “to the VCT detected in

² Office Action at page 7.

³ Final Office Action at page 7.

the corresponding physical channel, thus selecting a sub-channel having the largest/smallest sub-channel number” as recited in claim 6.

Claim 7 recites similar elements to those discussed above with regard to claim 6, and is patentably distinguishable over the combination of Kessler, Ikeguchi and Eyer for similar reasons. Claim 8 is patentably distinguishable at least by virtue of its dependency from claim 6.

One Skilled in the Art Would Not Have Combined Kessler, Ikeguchi, Lownes and Eyer to Result in the Arrangements of Claims 1-3 and 5

The combination of Kessler, Ikeguchi, Lownes and Eyer does not render claims 1-3 and 5 obvious because when these patents are combined in the manner described in the Office Action the resultant combination would not disclose or suggest all of the elements of claims 1-3 and 5.

Applicants’ claim 1 recites four procedures that, depending upon satisfying certain conditions, may be performed when trying to select a channel based on a channel upward/downward changing instruction. The conditions are:

- 1st Technique - when there is no channel information in the memory;
- 2nd Technique - when there is channel information of a current physical channel in the memory;
- 3rd Technique - when there is channel information for some physical channels in the memory and when a channel to which the current channel is upward/downward changed by the second technique goes out of the current physical channel range; and
- 4th Technique - when information of all the channels is stored in the channel map in the memory

The specific techniques are:

- 1st Technique - the frequency is shifted to search for a desired physical channel to thereby select a channel contained in a detected physical channel and also store information of the channel in the channel map;
- 2nd Technique - a VCT in the current physical channel is referenced to select a sub-channel in the physical channel;
- 3rd Technique - is the first technique is employed; and
- 4th Technique - either
 - a. a desired channel is selected by referring to the channel map, or
 - b. a desired channel is selected based on the physical channel information in the channel map among the channels over a plurality of physical channels and of employing the second technique of selecting a desired channel among the channels in the same physical channel.

The Office Action states that Kessler discloses technique 4 a. set forth above, and relies upon a modification of Kessler by Ikeguchi for the disclosure of the first and third techniques, and a modification of Kessler by Lownes for the disclosure of the second technique.

Specifically, Office Action recognizes that Kessler discloses a technique that relies entirely upon information in autoprogramming tables. Thus, in Kessler when channel information is not in the autoprogramming tables that the user is notified that the channel selection has failed.

The Office Action relies upon Lownes for the disclosure of the second technique in which a VCT in the current physical channel is referenced to select

a sub-channel, and states that one skilled in the art would have been motivated to combine Kessler and Lownes “to enable the system to tune to programs even when the VCT stored in memory is no longer valid.”⁴

Lownes appears to disclose a technique that obtains the VCT for display current status information, but not for channel selection. Accordingly, in Lownes when “the viewer presses the RECALL button to view the status display...the process obtains the next VCT in the bit-stream.”⁵ Because it may occur that “the next VCT [*in the bit-stream*] may be sent...before it is valid”, a flag is check “in the retrieved VCT to ensure that it is valid.”⁶ When the received VCT is not valid then the transport stream is monitored in order to extract the current VCT.⁷

Because Lownes at most discloses obtaining a VCT to display current status information, there is no disclosure or suggestion that this disclosure should be used to modify the channel selection of Kessler to result in referencing the VCT “when there is channel information of a current physical channel in the memory” and in order to “select a sub-channel in the physical channel.”

Furthermore, in contrast to Kessler’s technique that always relies upon the autoprogramming tables, Lownes technique always relies upon the VCT obtained from the transport stream. Thus, if one skilled in the art were motivated to modify Kessler by Lownes to obtain the VCT from the transport

⁴ Final Office Action at page 7.

⁵ Column 7, lines 12-14.

⁶ Column 7, lines 21-22 and lines 25-26.

⁷ Column 7, lines 26-28.

stream to ensure the validity of the VCT, then this modified system of Kessler would then not satisfy the fourth technique in which the channel map stored in memory is used for channel selection. In other words, there is nothing in Kessler, Lownes or any of the other cited documents that discloses or suggests that under particular conditions recited in claim 1 the VCT is referenced and under other conditions the channel map is used. Instead, Kessler discloses only referencing the autoprogramming tables and Lownes always references the VCT.


Claims 2 and 3 recite similar elements to those discussed above with regard to claim 1, and are patentably distinguishable over the current grounds of rejection for similar reasons. Claim 5 is patentably distinguishable over the current grounds of rejection at least by virtue of its dependency from claim 1.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 010482.50895).

Respectfully submitted,

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